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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,105

Applicant(s)

VIRTA, MIKKO K.

Examiner

Jaime Cardenas-Navia

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-24 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on October 6, 2008. Claims 1, 3-6, 10-12, and 15-24 have been amended. Claims 27-31 have been added. Claims 2, 25, and 26 have been cancelled. Claims 1, 3-24, and 27-31 are currently pending.

Response to Amendment

2. Applicant's amendments to the drawings are **sufficient to overcome the objections to the drawings** as set forth in the previous office action.
3. Applicant's amendments to the specification are **sufficient to overcome the objections to the specification** as set forth in the previous office action.
4. Applicant's amendments to the claims are **sufficient to overcome the objections to the claims** as set forth in the previous office action.
5. Applicant's amendments to the claims are **sufficient to overcome all the 35 U.S.C. § 112, second paragraph, rejections** as set forth in the previous office action.
6. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

Response to Arguments

7. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1, 17, 18, 23, and 27 that (1) neither Dean nor Barto teach or suggest recording an amount of personal time during which no bookings by others are allowed.

Regarding argument (1), Examiner respectfully disagrees. For a personal calendar, all time is essentially "personal" time. Moreover, Dean clearly teaches that no other events can be booked during any previously scheduled time interval (col. 2, lines 11-15, scheduling conflicts are avoided, fig. 4, col. 6, lines 12-24, user can reject scheduling requests during a previously scheduled time interval), which is the operative language in the claimed invention. Indeed, Examiner considers the adjective "personal" to be non-functional descriptive material, as the electronic scheduler does not distinguish between a scheduled "free" personal time interval and any other scheduled time interval, such as a scheduled "working" personal time interval. Thus, Barto's "kernel" would also anticipate the claimed invention's "personal time".

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-2, 3-24, and 27-31 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dean et al. (US 6,167,379) in view of Barto et al. (US 7,069,097 B1).

Regarding claim 1, Dean teaches a method comprising:

recording in an electronic schedule apparatus at least one amount of personal time during which no bookings by others are allowed (col. 2, lines 16-19, fig. 1, 2, electronic schedule apparatus, fig. 4, col. 6, lines 12-24, user can reject scheduling requests during a previously scheduled time interval);

receiving at the electronic schedule apparatus an electronic inquiry about availability for a booking (col. 2, lines 6-11);

determining or indicating whether the at least one amount of personal time can fit within the at least one respective interval in order to accommodate the booking without causing a scheduling conflict (col. 2, lines 11-15); and

rejecting the booking in case of a scheduling conflict between the booking and the personal time (col. 6, lines 12-24, option to reject booking causing scheduling conflict).

Dean does not expressly teach:

storing in the electronic schedule apparatus at least one respective interval of time during which the at least one amount of the personal time is to be reserved,

wherein each of the at least one amount of the personal time is less than the respective interval of time.

Barto teaches:

storing in the electronic schedule apparatus at least one respective interval of time during which the at least one amount of the personal time is to be reserved (col. 9, lines 25-37, kernel is the personal time, working window is the interval of time),

wherein each of the at least one amount of the personal time is less than the respective interval of time (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 3, Dean teaches providing the user with an option whether or not to accept the booking, in case of a positive determination or indication that the personal time can fit (col. 2, lines 11-15, col. 4, lines 44-56, col. 6, lines 12-24).

Regarding claim 4, Dean teaches automatically making the booking, in case of a positive determination or indication that the personal time can fit (col. 6, lines 25-31).

Regarding claim 5, Dean teaches sending a user availability message in response to the electronic inquiry, in case of a positive determination or indication that the personal time can fit (col. 2, lines 16-19).

Regarding claim 6, Dean teaches providing the user with a conflict notification and an option whether or not to accept the booking, in case of a negative determination or indication that the personal time cannot fit (col. 4, lines 44-56, col. 6, lines 26-41).

Art Unit: 3624

Regarding claim 7, Dean does not teach wherein the at least one respective interval of time represents the user's midday, workday, work week, or any user definable period.

Barto teaches wherein the at least one respective interval of time represents the user's midday, workday, work week, or any user definable period (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 8, neither Dean nor Barto explicitly teach wherein the at least one amount of the personal time is given as a percentage of the respective interval of time.

Official notice is given that using percentage is an equivalent form to using hours and minutes.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to

Art Unit: 3624

combine the teachings, motivated by the advantage in mathematical simplicity of using percentages.

Regarding claim 9, Dean teaches wherein the at least one amount of the personal time is given as a particular continuous or non-continuous duration (col. 2, lines 6-15, it is inherent that the personal time is given as a particular continuous or non-continuous duration).

Regarding claim 10, Dean teaches reserving at least one fixed block of the personal time (col. 2, lines 6-15).

Regarding claim 11, Dean teaches comparing a booking type to a type of the personal time, and if consistent then the scheduling conflict will not occur (col. 2, lines 6-15).

Regarding claim 12, Dean does not teach wherein the electronic inquiry indicates at least one amount of booking time, and at least one respective booking interval that is greater than or equal to the booking time.

Barto teaches wherein the electronic inquiry indicates at least one amount of booking time, and at least one respective booking interval that is greater than or equal to the booking time (col. 9, lines 6-8, 25-37).

The inventions of Dean and Barto pertain to scheduling. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one

of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 13, Dean does not teach wherein the user availability message includes a question as to whether the availability should be confirmed by consulting the user.

However, Dean teaches both that the availability can be confirmed automatically, and that the availability can be confirmed by consulting the user, such that some option for determining whether the availability should be confirmed by consulting the user is implied (col. 6, lines 12-15).

Official notice is given that question prompts are old and well-known

It would have been obvious to one skilled in the art at the time of the invention to combine the teaching of Dean with official notice, motivated by the teaching in Dean that for some situations, such as when the booking seeking to be scheduled is at a location distant from where the user is before the booking time, it is greatly advantageous for the user to confirm availability (col. 6, lines 12-40). The advantage of avoiding conflicts a computer cannot predict is why it would have been obvious to ask the party seeking a booking whether or not the availability should be confirmed by consulting the user.

Regarding claim 14, Dean does not teach wherein there is a positive determination or indication that the personal time can fit, and the booking is made by booking both the booking time as well as the respective booking interval which is greater than the booking time.

Barto teaches wherein there is a positive determination or indication that the personal time can fit, and the booking is made by booking both the booking time as well as the respective booking interval which is greater than the booking time (col. 9, lines 6-8, 25-41, 45-47).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 15, Dean does not teach wherein a further reservation effectively causes a contraction of the booking interval, if the further reservation has additional requirements about when the booking will occur.

Barto teaches wherein a further reservation effectively causes a contraction of the booking interval, if the further reservation has additional requirements about when the booking will occur (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have

Art Unit: 3624

yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 16, Dean does not teach displaying the amount of the personal time and the respective interval of time on a shared or individual calendar.

Barto teaches the step of displaying the amount of the personal time and the respective interval of time on a shared or individual calendar (col. 9, lines 58-62, it is inherent that the calendar would display itself).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 17, Dean and Barto teach the method of claim 1 (see above regarding claim 1), and it is inherent that the method carried out by portable electronic organizers (Dean, col. 1, lines 14-16) is stored on a computer-readable medium.

Regarding claim 18, Dean teaches an apparatus comprising:
a personal time recorder, configured to record at least one amount of personal time during which no other bookings by others are allowed (col. 2, lines 16-19, fig. 1, 2,

Art Unit: 3624

electronic schedule apparatus, fig. 4, col. 6, lines 12-24, user can reject scheduling requests during a previously scheduled time interval);

a receiving component (fig. 1, 2), configured to receive an electronic inquiry about availability for a booking (col. 2, lines 6-11); and

a transmitting component (fig. 1, 2), configured to reject the booking in case of a scheduling conflict between the booking and the personal time, wherein at least one amount of personal time cannot fit within the at least one respective interval in order to accommodate the booking without causing a scheduling conflict (col. 2, lines 11-15).

Dean does not teach:

an interval storage unit, configured to store at least one respective interval of time during which the at least one amount of the personal time is to be reserved; and

a user calendar database, configured to integrate data from the personal time recorder and the interval storage unit into an electronic schedule;

wherein each of the at least one amount of the personal time is less than the respective interval of time.

Barto teaches:

an interval storage unit, configured to store at least one respective interval of time during which the at least one amount of personal time is to be reserved (col. 9, lines 25-37); and

a user calendar database, configured to integrate data from the personal time recorder and the interval storage unit into an electronic schedule (Abstract, line 1, col. 9, lines 58-62).

Art Unit: 3624

wherein each of the at least one amount of the personal time is less than the respective interval of time (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 19, Dean teaches notifying the user if a proposed calendar update causes any conflict with schedule information already integrated into the user calendar database (col. 2, lines 6-15).

Dean does not teach an error check unit configured to notify the user if the amount of the personal time is more than the respective interval, or if the personal time and the respective interval cause any conflict with scheduling information already integrated into the user calendar database.

Barto teaches an error check unit configured to notify the user if the personal time and the respective interval cause any conflict with scheduling information already integrated into the user calendar database (col. 9, lines 45-62).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their

respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 20, Dean teaches wherein the device is a mobile or fixed terminal configured to interact directly with the user (col. 1, lines 8-11, col. 2, lines 21-25).

Regarding claim 21, Dean teaches wherein the device is a server located remotely from a user terminal (col. 2, lines 21-25, col. 6, lines 49-57).

Regarding claim 22, Dean teaches an inquiry processing unit, responsive to an inquiry signal, configured to access the user calendar database in order for the device to provide an availability indicator signal indicative of whether the at least one amount of personal time can fit within the at least one respective interval so as to accommodate a booking without any scheduling conflict (col. 2, lines 11-15).

Regarding claim 23, Dean teaches a system, comprising:
a user scheduling component, responsive to the personal time and interval signal, configured to provide a booking availability signal indicative of whether the at least one amount of personal time can be situated so that a booking fits into an electronic schedule (col. 2, lines 11-15); and

an inquiring terminal, responsive to the booking availability signal, configured to indicate to an operator of the inquiring terminal whether the at least one amount of personal time can be situated within the interval so that the booking fits into the

Art Unit: 3624

electronic schedule (col. 4, lines 63-67), and configured to reject the booking in case of a scheduling conflict between the booking and the personal time (col. 6, lines 12-24).

Dean does not teach:

a user terminal, responsive to user input, configured to provide a personal time and interval signal indicative of at least one amount of personal time and a respective interval of time during which the at least one amount of personal time is reserved.

Barto teaches:

a user terminal, responsive to user input, configured to provide a personal time and interval signal indicative of at least one amount of personal time and a respective interval of time during which the at least one amount of personal time is reserved (col. 9, lines 6-8, 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 24, Dean teaches wherein the user scheduling component also is for performing at least some scheduling for the operator of the inquiring terminal (col. 2, lines 6-11).

Art Unit: 3624

Regarding claims 27-31, they are rejected using the same art and rationale used above for rejecting claims 18-22. This is because claims 27-31 claim an apparatus performing the same functions as the apparatus of claims 18-22. In fact, claims 28-31 are identical to claims 19-22 because of the dependency to claim 18.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 22, 2009

/J. C./

Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624